

HUMAN CONSIDERATIONS IN CONSERVATION PLANNING

Documentation Guide for: HUMAN AND SOCIAL CONCERNS BACKGROUND

The purpose of analyzing the human element is to:

1. Ensure that no one is denied opportunities to participate in USDA programs or services because of race, color, religion, sex, age national origin, disability or sexual orientation.
2. Ensure that no identifiable low-income or minority population is disproportionately subjected to the adverse environmental or human health effects due to a USDA - Natural Resources Conservation Service's plans, programs, or projects.
3. Get to know the landowners and community to the degree that when it comes time to *implement* a conservation plan, program or project it meets everyone's needs so well that legislation, litigation and other coercive measures are unnecessary.

POLICY:

Civil Rights Impact Analysis (Departmental Regulation 4300-4)

The purpose of the civil rights (CR) impact analysis is to examine any adverse CR's implications of proposed agency actions related to employment, management, program development, program implementation, or decision-making. Performance of the analysis is directed by DR 4300-4, which requires agencies to identify, evaluate and address the CR implications of policy actions to *prevent any adverse impact* on employees, as well as *on program beneficiaries from socially and economically disadvantaged groups, minorities, women, and person with disabilities*.

The analysis should be properly documented to clearly show that agency actions, which if implemented, will not result in denial or reduced program benefits, or any form of discrimination against any clientele group. *Documentation identifying and addressing civil rights impacts is to be included in background material of all policy, and/or program actions used in the decision making process.*

Environmental Justice (Departmental Regulation 5600-2; in compliance with Executive Order 12898 NRCS Civil Rights Action Plan Rules and National Environmental Policy Act Procedures for Environmental Justice).

All existing and future NRCS programs and activities are subject to Environmental Justice DR 5600-2. This includes all environmental evaluation and assessments of programs, projects or technical assistance actions.

Environmental Justice (EJ) occurs when all people, *including minority and low income individuals*

- are provided the opportunity to comment *before* decisions are made;
- are allowed to share in the benefits of the decision and not excluded from them; and
- are not affected in a disproportionately high and adverse manner by government programs and activities affecting human health or the environment.

Determination of whether a particular program or activity raises an environmental justice issue depends on an evaluation of all circumstance. NRCS should consider whether the adverse effect is appreciably more severe or greater in magnitude than the adverse effect that would be suffered by the non-minority population and/or non-low-income population. Some of these include:

- Illness
- Air, noise and water pollution
- Soil contamination
- Destruction/disruption of natural resources
- Diminishing aesthetic values
- Disruption of community economic vitality
- Displacement of persons, farms, businesses
- Denial, reduction or significant delay in USDA benefits

The impact of Environmental Justice DR 5600-2 is:

- EJ principles must be taken into account in all NRCS activities -- including
 - a) technical assistance
 - b) financial assistance
 - c) program delivery
 - d) educational assistance
- EJ principles must be incorporated into all rules, regulation and procedures approved and published by the agency.
- EJ principles should be used to take preventive rather than corrective actions. However, EJ regulations can be used to correct previous adverse actions or environmental injustices caused by NRCS activities.

Additionally, a social analysis provides the planner with knowledge about individual landowners and community concerns, issues, and needs. With this information, the planner can develop a plan that complies with USDA CR and EJ policies and meets the needs of both the natural resources base and the local landowners and residents. A conservation plan that meets everyone's needs can usually be implemented without unnecessary delays and obstacles.

METHOD for Addressing Human Concerns In Conservation Planning

Social Assessment A social assessment is an analytical method to identify human and social concerns in a conservation project or program area. A social assessment provides the conservation planner with an awareness of the concerns, issues, and needs of local farmers, ranchers and other landowners. With this information, the planner can not only develop a plan that complies with USDA CR and NEPA's EJ policies but, also meets the needs of both the natural environment and the community. A conservation plan that meets everyone's needs can usually be implemented without unnecessary conflicts, delays, obstacles and frustration.

Additional information and technical assistance for conducting a social assessment may be obtained by contacting your regional NRCS sociologist, State Social Science Coordinator or the Social Sciences Institute. Also, go to the Social Sciences Manual which is located as a word document at the Social Sciences Institute web site <http://www.ssi.nrcs.usda.gov/> Click on the manual under "Policy Documents," which is on the left side of the web site. Once in the manual, guidance for conducting social assessments is covered in 500-2, with examples in sections 500.10 and 500.11.

SCREENING QUESTIONS

1. Are you planning for a Limited Resource Farmer (LRF)¹ or member of a protected group²; or do LRF or protected groups live or work in or near the planning area?

_____ Yes _____ No

- **If No**, proceed to 2.
- **If Yes; What actions are required to eliminate adverse impacts on any protected individual or group(s)?** (See *Civil Rights Impact Analysis, DR4300-4*).

_____ Yes _____ No

- **Document in the case file** what actions are required or explain why actions are not required. (See #1, in the attached Casefile Documentation guidance.)

2. Is access to or participation in the activity limited or targeted to a particular group?

_____ Yes _____ No

- **If No**, proceed to 3.
 - **If Yes**; describe in the case file documentation (#2), who the target audience is and whose participation is being limited.
 - **If Yes; What actions are required to eliminate discrimination against any clientele or client groups(s)?**
- _____ Yes _____ No
- **If No**, explain in the case file documentation why not.
 - **If Yes**, describe in the case file why participation is limited and how the conservation program, project, or plan addresses this. (See #2, in the attached Casefile Documentation guidance.)

3. Are the effects of the proposed conservation program, project, or plan disproportionately distributed among the people in the program or planning area? (Before answering: (1) See NEPA procedures for Environmental Justice, DR 5600-2. (2) See Casefile Documentation # 3.)

_____ Yes _____ No

- **If No**, proceed with planning.
- **If Yes: What actions are required to eliminate discrimination against any clientele or client groups(s)?**
- **If Yes**, describe in the case file the actions to be taken to eliminate or mitigate disproportionate adverse effects. (See #3 item “c”, in the Casefile Documentation.)

Casefile Documentation Guide: HUMAN AND SOCIAL CONCERNS

¹ Definition of a Limited Resource Farmer (LRF) is (a) An individual, directly or indirectly, with gross farm sales not more than \$100,000, and

(b) Has a total household income at or below poverty level for a family of four, or less than 50% of county median household income, in each of the previous two years.

² Protected groups are African Americans, American Indians, Asian Americans, disabled, Hispanic Americans, and women.

When correctly and completely evaluated this will provide adequate documentation for compliance with the National Environmental Policy Act (NEPA) and the USDA Departmental Regulation 4300-4.

STEP 1. Do protected groups live or work in or near the planning area?

Yes () No ()

If yes, describe the group(s) below. Then proceed to step 2; *If no*, indicate protected groups are “not present” and proceed to step 2.

STEP 2. Is access to or participation in the NRCS conservation activity limited or targeted to a particular group?

Yes () No ()

If yes, indicate in the space below, describe who the target audience is, who’s participation is being limited or denied, and why participation is being limited or denied. Document why it is appropriate for NRCS to limit or deny full participation of all people in the program or project. Proceed to step 3

If no, indicate and then proceed to step 3.

STEP 3. What effect (short-term and long-term) will the proposed conservation action have on landowners and the community? (Complete for each distinct group in the planning area.)

Health
Safety

None () Positive () Negative ()
None () Positive () Negative ()

Employment None () Positive () Negative ()
(e.g. Will this prevent/allow them to keep farming, fishing, etc?)

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- Yes () No ()

If yes, then describe in the case file and indicate how the disproportionately adverse effects will be eliminated or mitigated in the proposed conservation activity to the extent that it complies with Environmental Justice DR 5600-2.
